

IPIB Monthly Column

June 3, 2020

Q&A from the Iowa Public Information Board

By Margaret E. Johnson, Executive Director

Question: Who is the custodian of public records? How do I know who the custodian is?

Answer: A “lawful custodian” is defined as the “government body currently in physical possession of the public record.” (Iowa Code Section 22.1(2)). If records are maintained outside the physical possession of the government body, such as a contracted service, the government body owning that record is the “lawful custodian.” The government body cannot prevent the examination or copying of a public record by contracting with a nongovernment storage provider.

The lawful custodian of records relating to investment of public funds is the public body responsible for oversight of those funds.

Iowa Code Section 22.1(2) requires each government body to “delegate to particular officials or employees of that government body the responsibility for implementing the requirements of (Chapter 22) and shall publicly announce the particular officials or employees to whom responsibility for implementing the requirements of this chapter has been delegated.”

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BEST PRACTICES: A government body must determine who the designated lawful custodian will be and post that information in a public manner. This may include a link on the government website, signage at the offices of the government, or, preferably, both.

Board Members

Joan Corbin • E. J. Giovannetti • Matt Highland • Keith Luchtel • Monica McHugh
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Did You Know that the Iowa Public Information Board staff is available to assist you with questions or problems involving open meetings and public records in Iowa? During the month of May 2020, 58 contacts were made with the Iowa Public Information Board office.

TYPE	May 2020
Formal complaints	11
Advisory opinions	1
Declaratory orders	0
Informal complaints	5
Informal requests	31
Miscellaneous	10
TOTAL:	58

Who can contact the IPIB and how long does it take? Any person can contact the IPIB for assistance by telephone (515-725-1781), by email, or on the IPIB website. In 2020, 358 identifiable people have contacted the IPIB. Of these, 142 were private citizens, 174 were government officials or employees, and 42 were members of the media. In 2020, 72% of the incoming contacts were resolved the first day, 12% were resolved in one to five days, and 16% were resolved in six or more days. Opinions, rulings, FAQs, reports, and training documents are available on the IPIB website – www.ipib.iowa.gov.